Regulatory Program

N-LIEU FEE MITIGATION PROGRAM

Definition of "IN-LIEU-FEE"

- A program involving the restoration, establishment, enhancement and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity.

IN-LIEU FEE MITIGATION PROGRAM

Savannah District

IN LIEU FEE ACCOUNTS FOR ABOUT 5% OF THE TOTAL COMPENSATORY MITIGATION IN THE SAVANNAH DISTRICT

In-Lieu Fee Presently Utilizes In-Lieu-Fee Funds For:

- **Preserving the best and highest functioning wetlands and streams in Georgia**
- **Difficult-to-replace resources**
- **Protection of endangered aquatic species habitat**

Examples of In-Lieu Fee sites protected through In-Lieu Fee funds in Georgia

Moates Creek

Tributary to the Chattahoochee River In Habersham County. It Includes Headwaters of the Soque River. It has spawning habitat for trout and other aquatic species.

L&K SITE
Etowah River Lumpkin County

Site added to the Chattahoochee National Forest

Bottomland Hardwood Cypress Swamp

Altamaha River Watershed McIntosh County

Flint River Site in Dougherty County
Former Boy Scout Tract

Site protects buffer along Flint River, inland wetlands,

sinkholes and is an approved location for mussel

research.

Broxton Rocks Site
Ocmulgee River Watershed

Site has sandstone outcrop, state threatened gopher

tortoise, federally protected eastern indigo snake

2008 Mitigation Rule

Where permitted impacts are not located in the service area of an approved mitigation bank, or the bank does not have the appropriate number and resource types of credits available to offset the impacts, in-lieu fee mitigation is generally preferable to permittee-responsible mitigation. 33 C.F.R. 332.3(b)

Supplement

- In-lieu fee can be used to supplement mitigation banking credits if more credits are needed than available for sale by banks in the service area
- In-lieu fee can be used for difficult-to-replace resources
- In-lieu fee can be used to mitigate for impact to endangered species

In-lieu fee programs nationwide

- Each district has the option to use in-lieu fee for restoration, enhancement and/or preservation.
- Some districts do not have a mitigation banking program and structure the in-lieu fee program to serve for all types of mitigation.

Georgia Land Trust Service Center

- The SAS In-Lieu Fee Instrument is a Partnership Agreement with the Georgia Land Trust Service Center (GLTSC) in Athens, Georgia.
- The GLTSC administers the Georgia wetlands/streams trust fund.
- In lieu fee funds are placed in the trust account.

GLTSC Services

- Hans Neuhauser is the Director of the GLTSC in Athens.
- The partnership between the GLTSC and the Savannah District began in 1998.
- The Agreement provides that GLTSC will maintain the Georgia Wetlands/Streams Trust Account for In-Lieu Fee Funds.

IN-LIEU FEE MITIGATION PROGRAM

www.gepinstitute.com

- For information about the Georgia Wetlands/Streams Trust Fund, visit the website above.

- For a quote as to the price of in-lieu fee credits, call Hans Neuhauser at 706-546-7507. See web site for telephone info.

IN-LIEU FEE MITIGATION PROGRAM

Savannah District

www.sas.usace.army.mil

- The Savannah District website can also be accessed for information about the GLTSC site.
- Go to the web site for the district provided above
- Click on “Obtaining a Permit.” Scroll down to “Links.”
- Select the Georgia Land Trust Service Center

Info needed for obtaining a Quote

- The number of compensatory mitigation credits required and approved by the district as compensatory mitigation
- State whether it is wetlands or streams
- Identify the county in which the impacts will occur
- Nationwide Permit (NW) Regional Conditions contain the formula for calculation of in-lieu fee credits.

Cost of In-Lieu Fee Credits

- The Savannah District does not set the price of in-lieu fee credits
- The Savannah District does determine the number of mitigation credits required and ratio of impact to preservation credits
- GLTSC sets the price of credits
- Credit cost will vary according to county due to costs of acquisition of property in developed vs. rural areas of Georgia

Conversion of SOP Credits

- SOP wetland debits (credits owed) x 0.875 = in-lieu-fee wetland acres
- SOP stream debits (credits owed) x 0.0046 = in-lieu-fee stream acres
- Before the GLTSC will accept payment for in-lieu-fee-mitigation, written authorization for the project (permit) is required from the Savannah District.

2008 Rule

- Once in-lieu fee payment is made to the Georgia Wetland/Stream Trust Fund in the amount sufficient to satisfy the compensatory mitigation credits required, the obligation for mitigation then is transferred to the GLTSC (sponsor).

- The applicant receives a letter from GLTSC for receipt of the funds.

Trust Fund Applicants

- Applicants for funds in the trust account include:
- Qualified Land Trusts, DNR, County and City Governments, U.S. Forest Service, Greenways.
- Applications are reviewed for selection
- Applicants compete for the funds
- IRT visits sites
- Selection is made and funds transferred
- Each site is protected with an appropriate real estate document

2008 Mitigation Rules

- The Savannah District In-Lieu Fee Program is successful and in compliance with the new rules.
- The Savannah District In-Lieu Fee Program served as one of the model programs whose process and documentation procedure was incorporated in drafting the new 2008 mitigation rules

IN-LIEU FEE MITIGATION PROGRAM

Savannah District

Point of Contact

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